

Testimony

Testimony of
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Subcommittee on Forests and Forest Health
Committee on Resources
U.S. House of Representatives

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Mr. Chairman and Members of the Subcommittee, thank you for giving me the opportunity to present the views of the U.S. Department of Agriculture on S. 1003, to clarify Congressional intent with respect to the continued use of established commercial outfitter camps on the Salmon River; H.R. 3102, to utilize the expertise of several universities in connection with continuing rangeland analysis on National Forest System lands; H.R. 3427, to authorize a land conveyance between the United States and the City of Craig, Alaska; and H.R. 4494, to designate Grey Towers as a National Historic Site.

S. 1003—Outfitter Hunting Camps on the Salmon River

S. 1003 would amend the Wild and Scenic Rivers Act to clarify the intent of Congress with respect to the continued use of three long-established commercial outfitter hunting camps on the Salmon River. The Department supports efforts to clarify congressional intent regarding permanent facilities within this designated river corridor.

S. 1003 would direct the continued authorization of the use and occupancy of lands and maintenance or replacement facilities and structures for commercial recreation services at Stub Creek, Arctic Creek, and Smith Gulch. The Forest Service's special use permits for the camps would be subject to revocation only for noncompliance. If revoked, S. 1003 would require the Forest Service to re-offer the permits through a competitive process.

The hunting camps in question are located on the wild section of the Salmon Wild and Scenic River in the Frank Church-River of No Return Wilderness managed by the Salmon and Challis National Forests. The camps were in existence prior to the passage of the Central Idaho Wilderness Act of 1980, which designated the river segment as a component of the Wild and Scenic River system. One of the camps was relocated to Smith Gulch in 1988.

The camps operate under special use permits administered by the Forest Service and they provide unique, traditional services and experiences to the public in a setting that cannot be duplicated. Historically, the Forest Service had taken the position that the camps – and the

associated permanent facilities that are at issue – are consistent with agency policy and the law. In 1995 the Forest Service reauthorized the special use permits for the camps through 2010.

In 2000, however, a federal court found the permanent facilities to be in violation of the Wild and Scenic Rivers Act and ordered the Forest Service to have them removed. When the court ordered the Forest Service to remove these facilities, it also directed the agency to consider the needs of the camp owners in setting a timetable for removal. In January 2003, the Supervisor of the Salmon-Challis National Forest signed a Record of Decision (ROD) that authorized continued use of the camps with temporary facilities and set a schedule for removal of all permanent facilities at the three camps by December 31, 2005.

Mr. Chairman, the Department would like to work with the Committee on amendments to the measure that would provide the Secretary maximum flexibility to make appropriate determinations regarding permit duration and other terms and conditions under which the use and occupancy of national forest system lands are authorized so that high quality, traditional, services will be provided that 1) meet the public needs, 2) adhere to the legal requirements related to special use authorizations on national forest system lands, and 3) are consistent with the public expectations for river corridors listed under the Wild and Scenic Rivers Act.

H.R. 3102 – To direct the Secretary of Agriculture to enter into cooperative agreements for studies related to Forest Service grazing allotments in New Mexico and Arizona.

H.R. 3102 would direct the Secretary to enter into a cooperative agreement with the State cooperative institutions (New Mexico State University, the University of Arizona, and Northern Arizona University) to use such institutions to conduct all studies required by the National Environmental Policy Act of 1969 and perform related activities in connection with what the bill refers to as the 10-year plan of the Forest Service grazing allotments for National Forest System lands in New Mexico and Arizona.

The studies and related activities identified in H.R. 3102 would include at a minimum the following: range studies, human dimension studies, economic impact studies, cumulative effects shown in all studies, involvement in the planning and implementation of the 10-year plan, and water quality studies.

H.R. 3102 would also direct the Secretary to utilize the State cooperative institutions to perform all range and continuing range analysis for National Forest System lands in New Mexico and Arizona, including the following activities:

- 1) Monitoring, including vegetation monitoring to determine long-term conditions and trends;
- 2) Involvement in consultation required by section 7 of the Endangered Species Act of 1973; and
- 3) Involvement in the planning and implementation of annual operating plans.

Finally, H.R. 3102 authorizes \$10,000,000 to be appropriated to the Secretary to carry out the activities authorized by the bill.

The Department has some serious concerns with H.R. 3102. The Department is concerned with how the bill may affect efforts we have underway to improve collaboration and enhance

relationships with all local entities, specifically how the bill would affect current agreements being developed with State institutions. In addition, the Department is concerned about the bill's requirement that the Secretary enter into agreements with parties that are not bound by the legislation. Also, the Department is concerned with the effect of H.R. 3102 on the Forest Service's role in managing rangelands, given the bill's requirement that the State cooperative institutions perform all range analysis, including monitoring, involvement in Endangered Species Act consultation, and involvement in planning and implementing annual operating plans.

The section of H.R. 3102 which provides that assigning an employee of the Fish and Wildlife Service to the NEPA study team will satisfy the Endangered Species Act requirement to consult with the Fish and Wildlife Service is also a major concern as the NEPA process and the ESA consultation processes are not the same. Other concerns include the amount of funding that would be needed for rangeland analysis, the bill's requirements that the State institutions conduct all studies required by the National Environmental Policy Act (NEPA) in connection with grazing allotments, which may involve a proposed action beyond grazing if such action could affect grazing, compliance, the bill's requirement to include specific types of studies in the NEPA analysis which may not be relevant to a particular proposed action and a separate provision on Endangered Species Act consultation.

The Department would like to work with the Committee and bill sponsor as we continue to work to resolve grazing issues in Region 3 and determine whether any legislative measures are needed.

Currently, the Forest Service is working on many of the issues identified in H.R. 3102. The agency is developing a cooperative agreement with New Mexico State University and the University of Arizona focused on collaborative monitoring. The goal of the agreements is to utilize expertise at State institutions to help the agency develop monitoring strategies for rangelands.

The Forest Service is also working with the Arizona and New Mexico Cattle Grower's Associations to develop procedures for establishing monitoring protocols that can be utilized by grazing permittees on National Forest System lands. Discussions have also occurred with the New Mexico State University Range Improvement Task Force.

In dealing with Endangered Species Act compliance, the Forest Service and the US Fish and Wildlife Service recently updated consultation guidelines between the two agencies. The "Framework for Streamlining Informal Consultation for Grazing Activities" provides an avenue to efficiently and consistently accomplish informal Section 7 consultation. During development of these consultation guidelines the Federal agencies consulted with the livestock industry and other interested parties. These consultation guidelines provide guidance for the Forest Service and the US Fish and Wildlife Service to make effects determinations that are supported by both agencies, and serve as a compilation of the latest scientific knowledge concerning livestock grazing effects on certain listed species. The agency believes this is an excellent tool that will provide for an improved consultation process resulting in more timely decisions and management actions.

With regards to NEPA compliance, national forests in Arizona and New Mexico are proceeding with needed environmental analysis for grazing allotments identified with the 1995 Rescissions Act schedule. The Southwestern Region of the Forest Service has completed NEPA analysis on 60% of these allotments and is working on completing analysis on the remaining allotments within the next six years.

This year the Forest Service clarified direction in the handbook dealing with rangeland management decision making and how NEPA should be implemented. The direction in the Forest Service handbook clarifies existing policies as to how to streamline range NEPA and apply adaptive management on a given allotment and highlights successful practices currently in use. This direction will help the agency move forward in completing environmental analysis in an expedited manner on those allotments still remaining on the 1995 Rescissions Act schedule.

In sum, we believe we are making progress to work collaboratively with local entities to improve rangeland conditions. We appreciate Congressman Pearce's interest and leadership role in addressing grazing issues in the Southwest.

H.R. 3427 - Craig Recreation Land Purchase Act

We support the City of Craig's interest in economic development opportunities. The City of Craig is surrounded by native corporation land, and has a limited taxable land base. Craig anchors the nine smaller towns and villages on Prince of Wales Island, and the economic stability of Craig is critical to the economy of the island as a whole.

The Department would have no objection to the enactment of H.R. 3427 if the following concerns are addressed.

H.R. 3427 would require the Secretary of Agriculture to purchase, at appraised value, the "Sunnahae Trail and Recreation Parcel and Craig Cannery Property" described in Sec. 2 of the bill, as an addition to the Tongass National Forest. The funds received by the City of Craig under H.R. 3427 would be used by the City to purchase the "Wards Cove Property" described in Sec. 3, for local economic development.

The "Sunnahae Trail and Recreation Parcel" includes about 350 acres of trail, trailhead, and mountaintop property surrounded by private land. Much of the parcel is a narrow strip on either side of a city trail in need of extensive reconstruction. Surrounding lands are owned by Shan Seet, an ANCSA Corporation, and have been extensively logged. The City of Craig owns only the surface estate; the subsurface estate is owned by Sealaska Corporation.

H.R. 3427 would directly authorize the appropriation of \$ 250,000 to the Forest Service for reconstruction of the Sunnahae Trail. We estimate that reconstruction of the trail would cost far more. Section 2 of the bill would require the Secretary to purchase the Sunnahae Trail parcel, at appraised value. Without a current appraisal, we do not know how much this would cost, but a total cost to the government of more than one million dollars is possible. This purchase and reconstruction would limit the flexibility of the Forest Service to address other priority needs throughout the full length of the trails under its administration. This flexibility is essential to

protecting and enhancing the Nation's comprehensive interstate network of trails that provide a wide variety of experiences, resources, and services for all types of trail users.

We also note that proper reconstruction of the Sunnahae Trail to avoid steep slopes and minimize environmental impacts would follow a different alignment. The parcel to be conveyed under H.R. 3427 follows the existing alignment.

We do note that acquisition of the "Sunnahae Trail" parcel will present significant challenges for its administration as a component of the National Forest System. The parcel is small, isolated from other federal lands, and encumbered by outstanding mineral rights. We would like to work with the Committee and the City of Craig to investigate other options that address mutual interests.

For example, the City of Craig holds two beach lots adjacent to the Craig Ranger District compound, which might be more appropriate for sale to the United States. The Senate Committee on Energy and Natural Resources has amended similar legislation, S. 1778, to authorize the Secretary to acquire those lots in addition to the Sunnahae Trail and Recreation parcel and Craig Cannery property. We support adding those two properties to H.R. 3427.

H.R. 4494 – To Designate the Grey Towers National Historic Site

The Department supports enactment of H.R. 4494, the "Grey Towers National Historic Site Act of 2004." We would like to work with the committee on three amendments that would improve the legislation.

The Grey Towers National Historic Landmark in Milford, Pennsylvania, was the home of Gifford Pinchot, pioneer conservationist, founder and first Chief of the Forest Service. During his lifetime, Pinchot used Grey Towers as a living laboratory to establish scientific forestry and to develop many of the principles that formed the cornerstone of the early American conservation movement.

In 1963, his son donated Grey Towers and 102 acres of the property to the United States. In 1963, President Kennedy dedicated the Pinchot Institute for Conservation at Grey Towers and designated the site as a National Historic Landmark. In partnership with the Forest Service, the site serves today as a national center for discussing natural resource issues of regional and national importance, where the general public can learn about our nation's conservation heritage and the career and achievements of one of America's great public servants. The Northeastern Area, State and Private Forestry, administers operations of Grey Towers.

H.R. 4494 would designate, subject to all valid existing rights, all lands and improvements encompassed within the Grey Towers National Historic Landmark as the "Grey Towers National Historic Site." In addition, H.R. 4494 authorizes the Secretary of Agriculture to acquire, on a willing seller basis, by purchase, donation, exchange or otherwise, privately owned lands and interests in land, within the Historic Site and the associated properties using donated or appropriated funds.

H.R. 4494 calls for the Historic Site to be administered for natural resource education, leadership development for natural resource professionals and Federal civil service professionals, continuing Gifford Pinchot's legacy, public recreation, and preservation and protection of the lands and facilities associated with Gifford Pinchot.

Section 4(d) of the bill would also authorize the Secretary to accept gifts for the benefit of, or in connection with the activities and services at the Historic Site notwithstanding the fact that a donor conducts business with or is regulated by the Department of Agriculture in any capacity. The same section would authorize, subject to such terms and conditions as the Secretary may prescribe, any public or private organization or person to solicit, accept and administer private gifts of money and real or personal property for the benefit of or in connection with the activities and services at the Historic Site.

H.R. 4494 would also authorize the Secretary to collect reasonable fees and charges for admission to and use of the facilities at Grey Towers and to deposit any monies received into a special Treasury fund. Monies in the fund would be available until expended without further appropriation for support of the programs of Grey Towers and any other expenses incurred in the administration of the Grey Towers.

We recommend three amendments.

First, add a provision requiring the Forest Service to produce and keep for public inspection a map of the proposed National Historic Site and associated properties within Pike County, Pennsylvania, which were associated with James and Mary Pinchot, the Yale School of Forestry, or the Forest Service. That provision would serve to clarify the land parcels contemplated for inclusion under H.R. 4494.

Second, delete Section 7(a), which would authorize Federal employees to participate in the activities of the Pinchot Institute for Conservation and serve in non-salaried capacities, including as members of the Board of Directors, notwithstanding their status as Federal Employees. That section conflicts with Departmental conflict of interest regulations.

Third, the National Park Service recommends dropping "National" from the proposed designation and instead naming the site the "Grey Towers Historic Site". The Park Service is authorized under the Historic Sites Act of 1935 to administer National Historic Sites and the agency believes it could be confusing to have Grey Towers carry a designation otherwise unique to National Park System units. In addition, the Park Service believes the designation could confuse visitors who have purchased annual National Parks Passes, which provide admission to any national park unit that charges an entrance fee, if Grey Towers did not accept the pass and charged a fee as proposed in section 6 of H.R. 4494.

I would be happy to answer any questions you have.